

ZONING BOARD OF APPEALS FILING PROCEDURES

PLEASE READ ALL INSTRUCTIONS CAREFULLY.

COMPLETED APPLICATION PACKAGES ARE REQUIRED TO BE SUBMITTED AND TIME STAMPED BY THE TOWN CLERK AT LEAST THIRTY-FIVE (35) DAYS PRIOR TO THE REQUESTED HEARING DATE. THE ZONING BOARD OF APPEALS MEETS THE SECOND TUESDAY OF EACH MONTH AT 7:00 P.M. AT THE TOWN OFFICES.

APPLICATION FORMS ARE AVAILABLE AT THE OFFICE OF THE ZONING BOARD OF APPEALS LOCATED NEXT TO THE BUILDING DEPARTMENT. THE OFFICE HOURS ARE MONDAY THRU FRIDAY, 9:00 A.M. TO 4:00 P.M.

THE FOLLOWING DOCUMENTS ARE REQUIRED:

THE APPLICANT MUST REQUEST ABUTTERS' LIST FROM THE ASSESSOR'S OFFICE, WHICH IS THEN SENT TO THE ZBA. AN ABUTTER IS A PROPERTY OWNER WHOSE PROPERTY ABUTS THE PETITIONER'S PROPERTY. ALSO INCLUDED ARE ABUTTERS-TO-ABUTTERS WITHIN THREE HUNDRED (300) FEET OF THE APPLICANT'S PROPERTY AND PROPERTIES LOCATED ACROSS THE STREET. THIS USUALLY TAKES TWO BUSINESS DAYS.

ELEVEN (11) COPIES OF THE APPLICATION FORM.

ELEVEN (11) COPIES OF THE "SPECIAL PERMITS" AND/OR "VARIANCE" FORM (2 PAGES).

ELEVEN (11) COPIES OF A CERTIFIED SITE PLAN.

ELEVEN (11) COPIES OF AN ASSESSOR'S MAP SHOWING THE APPLICANT'S LOT.

ELEVEN (11) SETS OF BUILDING PLANS, INCLUDING FLOOR LAYOUTS, ELEVATIONS, AND DIMENSIONS.

ELEVEN (11) COPIES OF A DECISION LETTER FROM A ZONING OFFICIAL, IF APPLICABLE.

PHOTOGRAPHS ARE RECOMMENDED.

A CHECK FOR THREE HUNDRED (\$300) DOLLARS.

IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 11, THE APPEAL WILL BE ADVERTISED IN THE LOCAL NEWSPAPER FOR TWO (2) CONSECUTIVE WEEKS PRIOR TO THE PUBLIC HEARING. THE AGENDA WILL ALSO BE POSTED ON THE MEETING BOARD ON THE MAIN FLOOR OF THE TOWN OFFICES.

REQUEST FOR SPECIAL PERMIT:

THE BOARD OF APPEALS MAY GRANT A SPECIAL PERMIT ONLY WHERE CHAPTER 179 OF THE ZONING BY-LAW SO STATES. SPECIAL PERMITS (40A-9) SHALL EXPIRE TWO YEARS AND 20 DAYS AFTER A DECISION GRANTING THE PERMIT BY THE ZONING BOARD OF APPEALS HAS BEEN FILED WITH THE BREWSTER TOWN CLERK, APPROVAL OF A SPECIAL PERMIT, WHERE PERMITTED, REQUIRES THE BOARD OF APPEALS TO FIND THE FOLLOWING:

THERE IS NO INCONSISTENCY BETWEEN THE PETITION AND THE INTENT OF THE ZONING BY-LAW AND THE PETITION CONFORMS TO THE BREWSTER MASTER PLAN AS SET FORTH IN CHAPTER 179-51.

THE PROPOSED USE OR CONSTRUCTION WILL NOT BE SUBSTANTIALLY DETRIMENTAL TO THE SURROUNDING NEIGHBORHOOD.

THE PETITION SATISFIES ALL REQUIREMENTS, STANDARDS, OR CONDITIONS FOR GRANTING A SPECIAL PERMIT.

REQUEST FOR A VARIANCE:

VARIANCES MAY BE GRANTED BY THE BOARD OF APPEALS TO COVER AREAS OUTSIDE THE PARAMETERS OUTLINED IN CHAPTER 179 AS LONG AS THE REQUIRED CONDITIONS FOR SUCH A VARIANCE ARE MET. THE GRANTING OF A VARIANCE BY THE ZONING BOARD OF APPEALS SHALL EXPIRE ONE YEAR AND 20 DAYS AFTER THE DECISION GRANTING THAT PERMIT HAS BEEN FILED WITH THE BREWSTER TOWN CLERK (MGL 40A-10). CHAPTER 179 DESCRIBES THE CONDITIONS THAT MUST BE MET. ARGUMENTS IN SUPPORT OF THE FOLLOWING CONDITIONS MUST BE INCLUDED ON THE "REQUEST FOR FINDINGS OF FACT RE: VARIANCE."

HARDSHIP DUE TO TOPOGRAPHY, SOIL CONDITIONS, OR SHAPE SPECIFICALLY AFFECTS THE LAND AND/OR STRUCTURE IN QUESTION.

LITERAL ENFORCEMENT OF THE PROVISIONS OF THE BY-LAW WOULD INVOLVE SUBSTANTIAL HARDSHIP, FINANCIAL OR OTHERWISE.

DESIRABLE RELIEF MAY BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD.

DESIRABLE RELIEF MAY BE GRANTED WITHOUT NULLIFYING OR SUBSTANTIALLY DEROGATING THE INTENT AND PURPOSE OF THE BY-LAW.

A COPY OF THE ZONING BY-LAW, CHAPTER 179, IS AVAILABLE AT THE BREWSTER LADIES' LIBRARY. IT MAY ALSO BE PURCHASED AT THE TOWN OFFICES FOR \$25.00 OR DOWNLOADED WITHOUT CHARGE FROM www.town.brewster.ma.us.

PLEASE BE ADVISED THAT IT IS IMPROPER FOR THE CHAIRMAN OR ANY MEMBER OF THE BOARD OF APPEALS TO GIVE LEGAL ADVICE OR TO DISCUSS THE MERITS OF ANY PETITION PRIOR TO A PUBLIC HEARING.

ANY DECISION OF THE BOARD OF APPEALS MAY BE APPEALED TO SUPERIOR COURT, LAND COURT, OR DISTRICT COURT WITHIN TWENTY (20) DAYS FROM THE TIME THAT THE DECISION IS FILED WITH THE TOWN CLERK.

THE ACCURACY OF THE APPLICATION IS THE RESPONSIBILITY OF THE PETITIONER.

REVISED 10-01-06